



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

EUGENE C. RZUCIDLO  
GRAHAM & JAMES  
24TH FLOOR  
885 THIRD AVENUE  
NEW YORK, NY 10022

# 9  
15 June 1999

In re Application of  
Henrik Stender et al  
Serial No.: 08/943,777  
Filed: October 3, 1997  
Attorney Docket No.: 35853.1

PETITION DECISION

This is a decision on the Petition under 37 CFR 1.181 to Withdraw Holding of Abandonment, filed by facsimile on April 22, 1999, due to non-receipt of an Office action.


A review of the file history shows that the examiner mailed an Office action to applicants on September 14, 1998, setting a one month shortened statutory period for response. Upon failure to receive a response within six months the examiner contacted applicants regarding the abandonment of the application. Applicants responded prior to a Notice of Abandonment could be mailed seeking revival of the application. The application, however, is technically abandoned for failure to respond.

Applicant has provided a statement of non-receipt of the Office action and a showing which includes a copy of the docket report and a copy of the file wrapper which fails to show entries for receipt of the Office action. It is concluded that the Office action was not received.

The request is **GRANTED**. The application is restored to pending status with the mailing of this decision.

**The Office action mailed September 14, 1998, is vacated and the application will be returned to the examiner for prompt remailing of the Office action.**

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Group 1600/2900, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 305-5408.

  
John Doll  
Director, Group 1600/2900